

MINUTES
MALIBU CITY COUNCIL
QUARTERLY MEETING
APRIL 21, 2004
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:04 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, and Councilmember Andrew Stern.

ABSENT: Councilmembers Joan House and Jeffrey Jennings.

ALSO PRESENT: Katie Lichtig, City Manager; Julia James, Administrative Services Director; Victor Peterson, Environmental and Community Development Director/Building Official; Yugal Lall, Public Works Director/City Engineer; Claudio Sanchez, Deputy City Engineer; Melanie Irwin, Environmental Programs Analyst; Craig George, Environmental and Building Safety Manager / Deputy Building Official; Gail Sumpter, Permit Services Supervisor; Michael Teruya, Planning Manager; Lt. Gloria Gressman, Sheriff's Department; Mary Linden, Recording Secretary.

FLAG SALUTE

Lynn Griffin led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Stern moved and Mayor Pro Tem Barovsky seconded a motion to approve the agenda. The motion carried 3-0, Councilmember House and Councilmember Jennings absent.

MOTION Mayor Pro Tem Barovsky moved and Councilmember Stern seconded a motion to reorder the agenda to hear Item 1.C.3.a. before Item 1. The motion carried 3-0, Councilmember House and Councilmember Jennings absent.

REPORT ON POSTING OF AGENDA

Recording Secretary Linden reported that the agenda for the meeting was properly posted on April 16, 2004.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilmember Stern introduced Councilmember Elect Conley Ulich and congratulated her on her recent election victory.

Mayor Pro Tem Barovsky requested that the Council adjourn the meeting in memory of Mickey Ziffren who recently passed away.

ITEM 1.C.3.a.

Public Works Director/City Engineer Lall presented the staff report.

Mayor Pro Tem Barovsky congratulated staff on their work to reopen Las Flores Park. She asked about current plans for further work on the Las Flores Park project.

Bill Rhodes presented and read a letter from the Malibu Road Association regarding problems associated with trash collection. He requested that the system be returned to the way it used to be.

Tom Sawyer stated that the homeowners were willing to provide new places for bins to be stored on off-collection days. He requested the City arrange for someone to return emptied bins to the containers, even if it required an additional fee. He requested the City work with the homeowners to resolve the issue.

Mayor Pro Tem Barovsky stated that she attended the Malibu Road Association meeting along with Kim Nilsson. She requested staff prepare a response.

Public Works Director/City Engineer Lall discussed the new contract in effect July 2003 with the County of Los Angeles. He explained that the change was based on Assembly Bill 939 to achieve 50 percent recycling and avoid a \$10,000 fine. He indicated Malibu Road was part of a garbage district run by the County of Los Angeles and that the City was working with County staff to resolve issues.

City Manager Lichtig requested the matter be referred to staff to work with the residents. She acknowledged that the Malibu Road Association wanted one-day collection service.

Mr. Sawyer thanked staff for requesting a one-day pickup and for including the Malibu Road Association in negotiations with the County.

Mayor Pro Tem Barovsky requested staff have a contact person at the Malibu Road Association. The Malibu Road Association offered President Bill Rhodes or Vice President Lynn Griffin to staff as contacts.

Mr. Rhodes reiterated the need to have the trash cans returned after trash was collected. City Manager Lichtig stated it was a unique request, but that it could be presented to the County.

In response to Mayor Kearsley, Public Works Director/City Engineer Lall explained the process to have the garbage district changed from the County to a private source. Mayor Kearsley suggested that the Malibu Road Association hire someone to follow trash trucks and return trashcans to the homes.

Mayor Pro Tem Barovsky asked if the City could take over trash collection. City Manager Lichtig explained the process of annexation and privatization.

Mayor Pro Tem Barovsky asked staff to arrange a meeting with the Malibu Road Association's representatives.

Mr. Rhodes expressed the Malibu Road Association's preference for the City to manage the process due to liability issues.

PUBLIC COMMENT

Pamela Conley Ulich requested the Council consider: adopting an ordinance similar to the one in San Francisco to disallow stores with more than 11 outlets; to create a Cultural Arts Commission; and to create a fund to receive money left in wills to be used exclusively for the City to purchase land.

Mayor Pro Tem Barovsky stated that the ordinance referenced was applicable only to parts of San Francisco. She stated that she would like to review the ordinance.

ITEM 1 NEW BUSINESS

A. Third Quarter Financial Report

Staff recommendation: Receive and file report.

Administrative Services Director James presented the staff report.

In response to Mayor Pro Tem Barovsky, Administrative Services Director James explained that Annual Street Overlay (9002) was not included in Public Works because it was a Capital Project.

Mayor Pro Tem Barovsky and Administrative Services Director James commended Parks and Recreation for the success of the Senior budget.

In response to Mayor Pro Tem Barovsky, Administrative Services Director James explained tax impacts of hotel issues and the potential closure of Ralph's Market.

B. Proposed Budget for Fiscal Year 2004-2005

Staff recommendation: Receive presentation on Proposed Budget for Fiscal Year 2004-2005.

Administrative Services Director James presented the staff report. She reported that the budget included revenues and expenditures associated with the expected issuance of Coastal Development Permits plus the increase in motor vehicle fees to reflect State budget changes.

City Manager Lichtig stated that the Administration and Finance (A&F) Subcommittee would meet to review the budget prior to the May 10, 2004 Council meeting.

C. Third Quarter Fiscal Year 2003-2004 Work Program Status Reports

1. Administrative Services

Staff recommendation: Receive staff presentation of quarterly report and adopt Resolution No. 04-21 establishing employment classifications, the number of authorized positions in each classification, the compensation for these classifications and amending Section 4 of Resolution No. 03-21 to approve the following actions:

1. Add one Building Inspector position to staff; and
2. Approve the reclassification of one Assistant Planner position (vacant) to an Associate Planner position.

Administrative Services Director James presented the report. She stated that the Administrative Guidelines had been distributed to

the staff. Mayor Pro Tem Barovsky requested a copy of the guidelines.

Administrative Services Director James explained that the request for reclassification of one Assistant Planner position to an Associate Planner was in order to meet the need for a higher level of experience in the Planning Division. Mayor Pro Tem Barovsky asked about the financial impact. Administrative Services Director James stated the financial impact would only be a few thousand dollars.

MOTION Mayor Pro Tem Barovsky moved and Councilmember Stern seconded a motion to add one Building Inspector position to staff. The motion carried 3-0, Councilmember House and Councilmember Jennings absent.

City Manager Lichtig estimated that the cost would be approximately \$3500 to re-classify the Assistant Planner to an Associate Planner. Environmental and Community Development Director/Building Official Peterson reported on the difficulty level of cases presented in Malibu as opposed to other communities.

MOTION Councilmember Stern moved and Mayor Kearsley seconded a motion to approve the reclassification of one Assistant Planner position (vacant) to an Associate Planner position and to adopt Resolution No. 04-21. The motion carried 3-0, Councilmember House and Councilmember Jennings absent.

Mayor Pro Tem Barovsky asked how to set up a fund to accept contributed funds to use to purchase land. Administrative Services Director James said it would be received into the General Fund and reserved for specified use.

City Manager Lichtig explained that the current Council could not bind future Councils regarding the budget. She stated the request was to create a fund outside of the City's accounting structure to prevent future Councils from using funds in another way. She suggested the possibility of establishing a foundation. She stated staff would have to do additional research on the matter.

Councilmember Stern requested staff report on the structure possibilities for a foundation. City Manager Lichtig stated that she, Administrative Services Director James and City Attorney Hogin would work together in the next quarter.

2. Environmental and Community Development Department

Environmental and Community Development Director/Building Official Peterson presented the staff report. He introduced Planning Manager Teruya, Permit Services Supervisor Sumpster, Environmental and Building Safety Manager / Deputy Building Official George and Bruce Douglas.

Environmental and Community Development Director/Building Official Peterson stated staff was preparing for the possibility of issuing Coastal Development Permits. He reported on the status of the Memorandum of Understanding (MOU) negotiations with the Los Angeles Regional Water Quality Control Board (LARWQCB).

Councilmember Stern requested an explanation of the process when Coastal Development Permits (CDPs) are issued. Planning Manager Teruya explained that it depended on where in the process the application project was prior to the issuance of a CDP. He explained that minor projects could be handled by Planning Manager's hearings and major or controversial projects would be heard by the Planning Commission. He estimated that the Planning Commission would have to hear approximately four requests per meeting.

City Manager Lichtig explained that many projects could be put on the Consent Calendar. Councilmember Stern stated that items could be pulled from the Consent Calendar.

Planning Manager Teruya explained that 40 to 50 percent of the projects would have to go to the Planning Commission. Councilmember Stern clarified that it would take approximately 10 months to process the current projects. Planning Manager Teruya explained that they had a contingency plan to bring on additional staff to accelerate processing.

Environmental and Community Development Director/Building Official Peterson explained that approvals from the City were expected to go much faster than going through the Coastal Commission.

In response to Mayor Pro Tem Barovsky, City Manager Lichtig stated staff enhancements and weekly meetings of the Planning

Commission might shorten the time required to address issues.

In response to Mayor Kearsley, City Manager Lichtig explained that the development of the fee schedule was based on a fully loaded estimate of staff cost, based on the time required of planners to process CDPs. Councilmember Stern asked if higher fees were collected for more complicated projects. Environmental and Community Development Director/Building Official Peterson stated that additional fees could be assessed for extraordinary staff requirements and inspections. He reported approximately 82 percent of projects were processed under normal conditions.

City Manager Lichtig reported that the City was co-hosting the May 8, 2004 water quality workshop at Pepperdine. She encouraged participation and reported that information was on the City's website.

Mayor Kearsley expressed frustration with the City's zoning ordinance. He proposed a revision to the Zoning Ordinance to have overlay districts for specific areas with specific rules. He acknowledged the complexity of his proposal.

Councilmember Stern asked the difference between the existing districts and custom overlay districts. Mayor Kearsley stated that it would create a hillside district, a beach and bluff district and other districts. He requested staff report on the cost of such a revision.

Councilmember Stern stressed the need for public meetings to include community input as part of revisions.

Mayor Pro Tem Barovsky acknowledged the need to closely evaluate costs prior to such work being done on a Zoning Ordinance revision.

City Manager Lichtig stated staff could provide a best guess estimate as to the cost for revisions to the Zoning Ordinance.

Environmental and Community Development Director/Building Official Peterson stated significant improvements had been made to the original Interim Zoning Ordinance.

Mayor Kearsley stated that the word on the street was that the

Zoning Ordinance does not work.

Mayor Pro Tem Barovsky stated that input from the public indicated that the ordinance did not work for the specific things that they wanted to do. She stated that Regional Water Quality, wastewater management, the LCP and other projects had an immediate need to be addressed.

Mayor Kearsley stated that the varied topography in Malibu requires a better Zoning Ordinance.

City Manager Lichtig stated staff was still working on the Hillside and Basement ordinances.

3.b. Capital Improvement Projects Status Report

Public Works Director/City Engineer Lall presented the staff report.

In response to Mayor Pro Tem Barovsky, Public Works Director/City Engineer Lall explained the status of the settlement agreement on Zumirez. He stated that the project had to be completed by May 2005.

4. Parks and Recreation

Parks and Recreation Director Adams presented the staff report.

Councilmember Stern asked what would be required to establish a Cultural Arts Commission. Parks and Recreation Director Adams stated staff was willing to do whatever the Council requested. He listed the number of commissions and committees already handled through the Parks and Recreation Department.

Mayor Pro Tem Barovsky requested staff report about the possibility of Parks and Recreation or another department working toward the establishment of a Cultural Arts Commission.

Ms. Conley Ulich reported on the various events put on by cultural arts commissions in other cities. Mayor Pro Tem Barovsky explained that it would be a Brown Act body, requiring staff involvement and dedicated time.

City Manager Lichtig restated that staff would investigate and report back to the Council on what would be required to address the issue of a Cultural Arts Commission.

Mayor Pro Tem Barovsky commended the tremendous job being done by the current staff.

Mayor Kearsley asked about combining a foundation with a cultural arts commission to raise funds. City Manager Lichtig stated that staff would include research of other communities' commissions in their report. Ms. Conley Ulich offered to provide staff with the information she had compiled.

5. City Clerk

City Manager Lichtig presented the staff report.

Mayor Pro Tem Barovsky asked if additional funds were required for records management. City Manager Lichtig explained that the next phase would be implementation of digitization of records. She indicated that a rough estimate would require about \$150,000, including \$90,000 unspent this year, plus an additional \$60,000. Mayor Pro Tem Barovsky suggested possibly using passport revenues to fund records management.

6. City Attorney

The report on the City Attorney was provided to the Council under separate cover.

7. City Manager

City Manager Lichtig presented the staff report.

D. Third Quarter Fiscal Year 2003-2004 Council Goals Status Report

Mayor Pro Tem Barovsky requested that the goals be renumbered after the items were completed.

Mayor Pro Tem Barovsky requested that the Civic Center Committee be resurrected and asked that the opposition from the recent election be included in discussions. City Manager Lichtig stated that the group,

consisting of two members of the Planning Commission and two members of the Business Roundtable, were currently advising staff.

CONSENSUS

By consensus, the Council directed staff to provide recommendations at the May 24, 2004 City Council meeting with regard to resurrecting the Civic Center Committee, keeping the two representatives from the Business Roundtable, the two Planning Commissioners and adding two appointments from each Councilmember.

City Manager Lichtig stated that the A&F Subcommittee would review the budget and General Fund Grant Applications after May 10, 2004.

ADJOURN At 7:57 p.m., Mayor Pro Tem Barovsky moved and Councilmember Stern seconded a motion to adjourn in memory of Mickey Ziffren. The motion carried 3-0, Councilmember House and Councilmember Jennings absent.

Approved and adopted by the City Council of
the City of Malibu on June 14, 2004.

SHARON BAROVSKY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)